REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed March 1, 2004. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claims 1-18 stand rejected under 35 U.S.C. § 112, first paragraph. With respect to Claims 1-18, the examiner states that the limitation "personalization rule" does not appear to be defined in the specification. Applicant submits, however, that the term "personalization rule" would be understood by those in area of content management. As the Examiner stated in a May 12, 2004 Examiner interview, the Examiner views a rule as a series of steps or processes. In that May 12, 2004 interview, Mr. Paul Loomis clarified that a personalization rule is a series of steps or processes that act on information about or associated with a user to tailor the content displayed to the user. The term personalization rule would have been understood by those of ordinary skill in the art at the time the present application was filed.

Attached hereto as Exhibit A is a declaration by Mr. Loomis stating that "personalization rule" is a set of one or more steps that use information about an individual that visits a site to tailor the content displayed to that individual. One of ordinary skill in the art would have understood that a personalization rule specifies the actions to take place based on a user profile or other user specific information. Like profiles, personalization rules were commonly employed for content management at the time the present application was filed. *See,* Declaration of Paul Loomis (the "Loomis Decl.") ¶3. Personalization rules were, thus, commonly used in the area of content management. Applicant therefore respectfully requests that the Examiner withdraw the rejection of Claims 1-18.

Claims 1-18 further stand rejected under 35 U.S.C. §112, second paragraph. The Examiner states that the limitation "personalization rules" is unclear. Applicant, as discussed above, respectfully submits that one of ordinary skill in the art at the time the present application was filed would have understood the meaning of personalization rules. Accordingly, Applicant submits that "personalization rule" would be clear to one of ordinary skill in the art.

Additionally, the Examiner rejected Claims 1-6, 11 and 14 stating that "it is not clear which element or structure is "sending" the information and "receiving" the information. Applicant points out that Claims 1, 6 and 11 are method claims. The method claims are independent of structural limitations. One example of a device that can perform the method of Claim 1 is a computer, such as a server computer like that described in the embodiments of the

detailed description, which can execute computer instructions. A recitation of physical structure for performing a process is unnecessary to the claims.
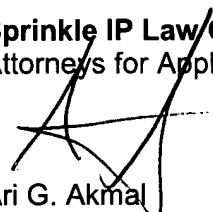
The Examiner further rejected Claim 11, stating "wherein, other than a network address, the first communication does not include information substantially sufficient to specially identify the user." Claim 11 has been amended to recite that the first network communication "does not include information sufficient to specifically identify the user." One of ordinary skill in the art would understand the forms of information contained in network communications that are sufficient to identify a user. Therefore, Applicant submits that Claim 11 is neither vague nor unclear.

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-18. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

Included herewith is a petition for an extension of time of three months and the corresponding fees. The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group
Attorneys for Applicant

Ari G. Akmal
Reg. No. 51,388

Date: 8/31/04

P.O. Box 684767
Austin, TX 78768
Tel. (512) 637-9220
Fax. (512) 371-9088

Exhibit "A"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sean M. McCullough
Serial No.:	09/681,763
Group Art No.	2177
Filing Date:	June 1, 2001
Title:	Method for Client-Side Personalization

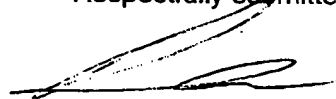## DECLARATION UNDER 37 C.F.R. § 1.132

I, Paul Loomis, Director of Engineering, Program Management for Vignette Corporation (assignee of the above-identified patent application), hereby make the following declarations:

1.   I have worked in the software industry for over 4 ½ years including positions in product development. My work has concentrated on the area of content management and portal software for web sites.

2.   I was employed as a patent examiner, primary examiner, and supervising patent examiner at the United States Patent and Trademark Office in Groups 2600 and 2300 for eight years.

3.   At the time United States Patent Application Serial No. 09/681,763 entitled "Method for Client-Side Personalization" (the "'783 Application") was originally filed, one of ordinary skill in the art would have understood that a "personalization rule" is a set of one or more steps that use information about an individual that visits a site to tailor the content displayed to that individual. One of ordinary skill in the art would have understood that a personalization rule specifies the actions to take place based on a user profile or other user specific information. Like profiles, personalization rules were commonly employed for content management at the time the '783 Application was filed.

4.   Therefore, at the time the '783 Application was originally filed, those of ordinary skill in the art would have understood the meaning of "personalization rule".

I hereby declare that all statements made herein of my own knowledge are true an that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Paul Loomis
Director of Egineering, Program management
Vignette Corporation

Date: 8/31 , 2004

2